

House File 2200

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1 3 AN ACT
1 4 RELATING TO FIRE SAFETY ISSUES, INCLUDING THE ESTABLISHMENT
1 5 OF A FIRE EXTINGUISHING SYSTEM CONTRACTOR CERTIFICATION
1 6 PROGRAM IN THE OFFICE OF THE STATE FIRE MARSHAL, THE PROMUL-
1 7 GATION OF ADMINISTRATIVE RULES BY THE STATE FIRE MARSHAL,
1 8 AND ARSON AND SIMULATED EXPLOSIVE RELATED CRIMINAL OFFENSES,
1 9 AND PROVIDING FOR FEES AND PENALTIES AND FOR THE ACT'S
1 10 APPLICABILITY.
1 11
1 12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 13
1 14 Section 1. Section 100.1, Code Supplement 2003, is amended
1 15 by adding the following new subsection:
1 16 NEW SUBSECTION. 7. To administer the fire extinguishing
1 17 system contractor certification program established in chapter
1 18 100C.
1 19 Sec. 2. NEW SECTION. 100C.1 DEFINITIONS.
1 20 As used in this chapter, unless the context otherwise
1 21 requires:
1 22 1. "Automatic dry-chemical extinguishing system" means a
1 23 system supplying a powder composed of small particles, usually
1 24 of sodium bicarbonate, potassium bicarbonate, urea-potassium=
1 25 based bicarbonate, potassium chloride, or monoammonium
1 26 phosphate, with added particulate material supplemented by
1 27 special treatment to provide resistance to packing, resistance
1 28 to moisture absorption, and the proper flow capabilities.
1 29 2. "Automatic fire extinguishing system" means a system of
1 30 devices and equipment that automatically detects a fire and
1 31 discharges an approved fire extinguishing agent onto or in the
1 32 area of a fire and includes automatic sprinkler systems,
1 33 carbon dioxide extinguishing systems, deluge systems,
1 34 automatic dry-chemical extinguishing systems, foam
1 35 extinguishing systems, halogenated extinguishing systems, or
2 1 other equivalent fire extinguishing technologies recognized by
2 2 the fire extinguishing system contractors advisory board.
2 3 3. "Automatic sprinkler system" means an integrated fire
2 4 protection sprinkler system usually activated by heat from a
2 5 fire designed in accordance with fire protection engineering
2 6 standards and includes a suitable water supply. The portion
2 7 of the system above the ground is a network of specially sized
2 8 or hydraulically designed piping installed in a structure or
2 9 area, generally overhead, and to which automatic sprinklers
2 10 are connected in a systematic pattern.
2 11 4. "Carbon dioxide extinguishing system" means a system
2 12 supplying carbon dioxide from a pressurized vessel through
2 13 fixed pipes and nozzles and includes a manual or automatic
2 14 actuating mechanism.
2 15 5. "Deluge system" means a sprinkler system employing open
2 16 sprinklers attached to a piping system connected to a water
2 17 supply through a valve that is opened by the operation of a
2 18 detection system installed in the same area as the sprinklers.
2 19 6. "Fire extinguishing system contractor" means a person
2 20 engaging in or representing oneself to the public as engaging
2 21 in the activity or business of layout, installation, repair,
2 22 alteration, addition, maintenance, or maintenance inspection
2 23 of automatic fire extinguishing systems in this state.
2 24 7. "Foam extinguishing system" means a special system
2 25 discharging foam made from concentrates, either mechanically
2 26 or chemically, over the area to be protected.
2 27 8. "Halogenated extinguishing system" means a fire
2 28 extinguishing system using one or more atoms of an element
2 29 from the halogen chemical series of fluorine, chlorine,
2 30 bromine, and iodine.
2 31 9. "Maintenance inspection" means periodic inspection and
2 32 certification completed by a fire extinguishing system
2 33 contractor. For purposes of this chapter, "maintenance
2 34 inspection" does not include an inspection completed by a
2 35 local building official, fire inspector, or insurance
3 1 inspector, when acting in an official capacity.
3 2 10. "Responsible managing employee" means an owner,
3 3 partner, officer, or manager employed full-time by a fire
3 4 extinguishing system contractor who has any of the following
3 5 qualifications:

3 6 a. Is certified by the national institute for
3 7 certification in engineering technologies at a level III in
3 8 fire protection technology, automatic sprinkler system layout,
3 9 or another recognized certification in automatic sprinkler
3 10 system layout recognized by rules adopted by the fire marshal
3 11 pursuant to section 100C.7.

3 12 b. Meets any other criteria established by rule under this
3 13 chapter.

3 14 Sec. 3. NEW SECTION. 100C.2 CERTIFICATION == EMPLOYEES.

3 15 1. A person shall not act as a fire extinguishing system
3 16 contractor without first obtaining a fire extinguishing system
3 17 contractor's certificate pursuant to this chapter.

3 18 2. A responsible managing employee may act as a
3 19 responsible managing employee for only one fire extinguishing
3 20 system contractor at a time. The responsible managing
3 21 employee shall not be designated as the responsible managing
3 22 employee for more than two fire extinguishing system
3 23 contractors in any twelve-month period.

3 24 3. An employee of a certified fire extinguishing system
3 25 contractor working under the direction of a responsible
3 26 managing employee is not required to obtain and maintain an
3 27 individual fire extinguishing system contractor's certificate.

3 28 Sec. 4. NEW SECTION. 100C.3 APPLICATION == INFORMATION
3 29 TO BE PROVIDED.

3 30 1. A fire extinguishing system contractor shall apply for
3 31 a certificate on a form prescribed by the state fire marshal.
3 32 The application shall be accompanied by a fee in an amount
3 33 prescribed by rule pursuant to section 100C.7 and shall
3 34 include all of the following information:

3 35 a. The name, address, and telephone number of the
4 1 contractor, including all legal and fictitious names.

4 2 b. Proof of insurance coverage required by section 100C.4.

4 3 c. The name and qualifications of the person designated as
4 4 the contractor's responsible managing employee and of persons
4 5 designated as alternate responsible managing employees.

4 6 d. Any other information deemed necessary by the state
4 7 fire marshal.

4 8 2. Upon receipt of a completed application and prescribed
4 9 fees, if the contractor meets all requirements established by
4 10 this chapter, the state fire marshal shall issue a certificate
4 11 to the fire extinguishing system contractor within thirty
4 12 days.

4 13 3. Certificates shall expire and be renewed as established
4 14 by rule pursuant to section 100C.7.

4 15 4. Any change in the information provided in the
4 16 application shall be promptly reported to the state fire
4 17 marshal. When the employment of a responsible managing
4 18 employee is terminated, the fire extinguishing system
4 19 contractor shall notify the state fire marshal within thirty
4 20 days after termination.

4 21 Sec. 5. NEW SECTION. 100C.4 INSURANCE.

4 22 A fire extinguishing system contractor shall maintain
4 23 general and complete operations liability insurance for the
4 24 layout, installation, repair, alteration, addition,
4 25 maintenance, and inspection of automatic fire extinguishing
4 26 systems in an amount determined by the state fire marshal by
4 27 rule.

4 28 Sec. 6. NEW SECTION. 100C.5 SUSPENSION AND REVOCATION.

4 29 1. The state fire marshal shall suspend or revoke the
4 30 certificate of any fire extinguishing system contractor who
4 31 fails to maintain compliance with the conditions necessary to
4 32 obtain a certificate. A certificate may also be suspended or
4 33 revoked if any of the following occur:

4 34 a. The employment or relationship of a responsible
4 35 managing employee with a fire extinguishing system contractor
5 1 is terminated, unless the fire extinguishing system contractor
5 2 has included a qualified alternate on the application or an
5 3 application designating a new responsible managing employee is
5 4 filed with the state fire marshal within six months after the
5 5 termination.

5 6 b. The contractor fails to comply with any provision of
5 7 this chapter.

5 8 c. The contractor fails to comply with any other
5 9 applicable codes and ordinances.

5 10 2. If a certificate is suspended pursuant to this section,
5 11 the certificate shall not be reinstated until the condition or
5 12 conditions which led to the suspension have been corrected.

5 13 3. The state fire marshal shall adopt rules pursuant to
5 14 section 100C.7 for the acceptance and processing of complaints
5 15 against certificate holders, for procedures to suspend and
5 16 revoke certificates, and for appeals of decisions to suspend

5 17 or revoke certificates.
5 18 Sec. 7. NEW SECTION. 100C.6 APPLICABILITY.
5 19 This chapter shall not be construed to do any of the
5 20 following:
5 21 1. Relieve any person from payment of any local permit or
5 22 building fee.
5 23 2. Limit the power of the state or a political subdivision
5 24 of the state to regulate the quality and character of work
5 25 performed by fire extinguishing system contractors through a
5 26 system of fees, permits, and inspections designed to ensure
5 27 compliance with, and aid in the administration of, state and
5 28 local building codes or to enforce other local laws for the
5 29 protection of the public health and safety.
5 30 Sec. 8. NEW SECTION. 100C.7 ADMINISTRATION == RULES.
5 31 The state fire marshal shall administer this chapter and,
5 32 after consultation with the fire extinguishing system
5 33 contractors advisory board, shall adopt rules pursuant to
5 34 chapter 17A necessary for the administration and enforcement
5 35 of this chapter.
6 1 Sec. 9. NEW SECTION. 100C.8 PENALTIES.
6 2 1. A person who violates any provision of this chapter is
6 3 guilty of a simple misdemeanor.
6 4 2. The state fire marshal may impose a civil penalty of up
6 5 to five hundred dollars on any person who violates any
6 6 provision of this chapter for each day a violation continues.
6 7 The state fire marshal may adopt rules necessary to enforce
6 8 and collect any penalties imposed pursuant to this chapter.
6 9 Sec. 10. NEW SECTION. 100C.9 DEPOSIT AND USE OF MONEYS
6 10 COLLECTED.
6 11 1. All fees assessed pursuant to this chapter shall be
6 12 retained as repayment receipts by the division of fire
6 13 protection in the department of public safety and such fees
6 14 received shall be used exclusively to offset the costs of
6 15 administering this chapter.
6 16 2. Notwithstanding section 8.33, fees collected by the
6 17 division of fire protection that remain unencumbered or
6 18 unobligated at the close of the fiscal year shall not revert
6 19 but shall remain available for expenditure for the purposes
6 20 designated until the close of the succeeding fiscal year.
6 21 Sec. 11. NEW SECTION. 100C.10 FIRE EXTINGUISHING SYSTEM
6 22 CONTRACTORS ADVISORY BOARD.
6 23 1. A fire extinguishing system contractors advisory board
6 24 is established in the division of fire protection of the
6 25 department of public safety and shall advise the state fire
6 26 marshal on matters pertaining to the application and
6 27 certification of fire extinguishing system contractors
6 28 pursuant to this chapter.
6 29 2. The board shall consist of seven voting members
6 30 appointed by the commissioner of public safety as follows:
6 31 a. Two full-time fire officials of incorporated
6 32 municipalities or counties.
6 33 b. One full-time building official of an incorporated
6 34 municipality or county.
6 35 c. Two fire extinguishing system contractors, certified
7 1 pursuant to this chapter, of which at least one shall be a
7 2 water-based fire sprinkler contractor.
7 3 d. One professional engineer or architect licensed in the
7 4 state.
7 5 e. One representative of the general public.
7 6 3. The state fire marshal, or the state fire marshal's
7 7 designee, shall be a nonvoting ex officio member of the board.
7 8 4. The commissioner shall initially appoint two members
7 9 for two-year terms, two members for four-year terms, and three
7 10 members for six-year terms. Following the expiration of the
7 11 terms of initially appointed members, each term thereafter
7 12 shall be for a period of six years. No member shall serve
7 13 more than two consecutive terms.
7 14 5. Four voting members of the advisory board shall
7 15 constitute a quorum. A majority vote of the board shall be
7 16 required to conduct business.
7 17 Sec. 12. Section 101.5, Code 2003, is amended to read as
7 18 follows:
7 19 101.5 PUBLICATION OF RULES.
7 20 The rules shall be promulgated pursuant to chapter 17A,
7 21 only after a public hearing at least twenty days' notice of
7 22 the time and place of which is given by publication ~~in a~~
~~7 23 newspaper of general circulation throughout the state in the~~
~~7 24 Iowa administrative bulletin~~ and by mail to any person who has
7 25 filed the person's name and address with the state fire
7 26 marshal for the purpose of receiving the notice.
7 27 Sec. 13. Section 712.1, Code 2003, is amended to read as

7 28 follows:

7 29 712.1 ARSON DEFINED.

7 30 1. Causing a fire or explosion, or placing any burning or
7 31 combustible material, or any incendiary or explosive device or
7 32 material, in or near any property with the intent to destroy
7 33 or damage such property, or with the knowledge that such
7 34 property will probably be destroyed or damaged, is arson,
7 35 whether or not any such property is actually destroyed or
8 1 damaged. Provided, that where a person who owns said property
8 2 which the defendant intends to destroy or damage, or which the
8 3 defendant knowingly endangers, consented to the defendant's
8 4 acts, and where no insurer has been exposed fraudulently to
8 5 any risk, and where the act was done in such a way as not to
8 6 unreasonably endanger the life or property of any other person
8 7 the act shall not be arson.

8 8 2. Causing a fire or explosion that damages or destroys
8 9 property while manufacturing or attempting to manufacture a
8 10 controlled substance in violation of section 124.401 is arson.
8 11 Even if a person who owns property which the defendant intends
8 12 to destroy or damage, or which the defendant knowingly
8 13 endangers, consents to the defendant's act, and even if an
8 14 insurer has not been exposed fraudulently to any risk, and
8 15 even if the act was done in such a way as not to unreasonably
8 16 endanger the life or property of any person, the act
8 17 constitutes arson.

8 18 Sec. 14. Section 712.2, Code 2003, is amended to read as
8 19 follows:

8 20 712.2 ARSON IN THE FIRST DEGREE.

8 21 Arson is arson in the first degree when ~~the property which~~
8 22 ~~the defendant intends to destroy or damage, or which the~~
8 23 ~~defendant knowingly endangers, is property in which the~~
8 24 presence of one or more persons can be reasonably anticipated
8 25 in or near the property which is the subject of the arson, or
8 26 the arson results in the death of a fire fighter, whether paid
8 27 or volunteer.

8 28 Arson in the first degree is a class "B" felony.

8 29 Sec. 15. Section 712.3, Code 2003, is amended to read as
8 30 follows:

8 31 712.3 ARSON IN THE SECOND DEGREE.

8 32 Arson which is not arson in the first degree is arson in
8 33 the second degree when the property ~~which the defendant~~
8 34 ~~intends to destroy or damage, or which the defendant knowingly~~
8 35 ~~endangers, which is the subject of the arson~~ is a building or
9 1 a structure, or real property of any kind, or standing crops,
9 2 or is personal property the value of which exceeds five
9 3 hundred dollars. Arson in the second degree is a class "C"
9 4 felony.

9 5 Sec. 16. Section 712.6, Code 2003, is amended to read as
9 6 follows:

9 7 712.6 ~~POSSESSION OF~~ EXPLOSIVE OR INCENDIARY MATERIALS OR
9 8 DEVICES.

9 9 1. Any person who shall possess any incendiary or
9 10 explosive device or material with the intent to use such
9 11 device or material to commit any public offense shall be
9 12 guilty of a class "C" felony.

9 13 2. Any person, with the intent to intimidate, annoy, or
9 14 alarm another person, who places a simulated explosive or
9 15 simulated incendiary device in or near an occupied structure
9 16 as defined in section 702.12, is guilty of a serious
9 17 misdemeanor.

9 18 Sec. 17. APPLICABILITY DATE. The sections of this Act
9 19 enacting sections 100C.1 through 100C.6, 100C.8, and 100C.9
9 20 shall not be applicable until July 1, 2005.

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CHRISTOPHER C. RANTS

9 25 Speaker of the House

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MARGARET THOMSON
Chief Clerk of the House

10 4 Approved _____, 2004
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10 7 _____
10 8 THOMAS J. VILSACK
10 9 Governor